

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Wagner**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 12-12-318 TO
9 DELETE THE WORD AUTOPSY AND REPLACE IT WITH POSTMORTEM
10 EXAMINATION(S); AND FOR OTHER PURPOSES."

Subtitle

13 "TO DELETE THE WORD AUTOPSY AND REPLACE IT WITH POSTMORTEM
14 EXAMINATION."

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 SECTION 1. Arkansas Code Annotated 12-12-318 is amended to read as
19 follows:

20 "12-12-318. Examinations, investigations, and post mortem examinations
21 - Authorization and restrictions.

22 (a) When death occurs in such a manner or under such circumstances as
23 described in §12-12-315, the State Crime Laboratory shall have the power and
24 authority to perform such functions and duties as may be provided by this
25 subchapter. The State Crime Laboratory shall make such examinations or
26 investigations or perform such post mortem examinations to determine the cause
27 of death as the Executive Director of the State Crime Laboratory or his staff
28 deems necessary or as may be requested by the coroner of the county in which
29 death occurs or is discovered, by the prosecuting attorney of the jurisdiction
30 in which death occurs or is discovered, by the sheriff of the county in which
31 death occurs or is discovered, by the chief of police of the city in which
32 death occurs or is discovered, by the Board of Correction or its designee, or
33 the Director of the Department of Correction or his designee if the person was
34 in the care, custody, or control of the Department of Correction at the time
35 of death. Deputies of elected officers enumerated above shall have no

1 authority to request post mortem examination by the State Crime Laboratory.

2 (b) (1) In cases of sudden death in children between the ages of one (1)
3 year and six (6) years with no previous major medical health problems, the
4 State Medical Examiner, on a case-by-case basis, may delegate authority to
5 Arkansas Children's Hospital to perform post mortem examinations to determine
6 the cause of death.

7 (2) (A) Should any such post mortem examination determine that
8 death occurred from foul play or criminal act, the Arkansas Children's
9 Hospital will immediately notify the chief law enforcement officer of the
10 jurisdiction in which the death occurred and the State Medical Examiner.

11 (B) In addition, the State Medical Examiner will be
12 responsible for developing guidelines to assure that proper evidentiary
13 procedures are followed.

14 (3) For purposes of this section, the Arkansas Children's
15 Hospital staff pediatric pathologist, meeting the criteria prescribed in
16 §12-12-307, shall be considered assistant medical examiner, and
17 notwithstanding any other provisions in this section, may perform post mortem
18 examinations as directed by a duly constituted authority.

19 (c) Post mortem examinations or investigations authorized in this section
20 may be conducted without consent of any person.

21 (d) The Executive Director of the State Crime Laboratory and his staff
22 shall not, as a part of their official duties, perform any post mortem
23 examination at the request of any private citizen or any public official other
24 than those enumerated in this section.

25 (e) The provisions of this section shall supersede any and all other laws
26 relating to the power and authority of the Executive Director of the State
27 Crime Laboratory or his staff, including the State Medical Examiner, to
28 conduct examinations, investigations, or post mortem examinations.

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30 SECTION 2. All provisions of this act of a general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

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34 SECTION 3. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 4. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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8 SECTION 5. EMERGENCY. It is hereby found and determined by the General
9 Assembly that the State Crime Laboratory is now required to perform autopsies
10 in certain circumstances; that the Crime Laboratory should be required to
11 conduct post mortem examinations in lieu of autopsies; that changing the
12 requirements will grant necessary relief to the Crime Laboratory from its
13 overwhelming workload; and that this act should go into effect immediately in
14 order to provide that relief as soon as possible. Therefore, an emergency is
15 hereby declared to exist and this act being necessary for the immediate
16 preservation of the public peace, health and safety shall be in full force and
17 effect from and after its passage and approval.

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